IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 30002 of 2007(V)

PETITIONER:

K.SHAMSUDEEN, JUNIOR EMPLOYMENT OFFICER,
DISTRICT EMPLOYMENT EXCHANGE, KOLLAM.

BY ADV. SRI.P.SIVARAJ

RESPONDENTS:

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1. THE SECRETARY TO THE GOVERNMENT,
LABOUR DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. EMPLOYMENT DIRECTOR,
(KERALA),
THYCAUD, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C) No.30002 of 2007

Dated this the 10th day of October 2007

JUDGMENT

Petitioner was appointed as Lower Division Clerk in the National Employment Service Department on 19.5.1986 pursuant to advice dated 24.4.1986. The petitioner, who was a native of Kollam District, apparently sought for a transfer to Malappuram District and he was granted said transfer. The transfer entails a loss of seniority in the cadre. According to the petitioner, in the order under which he was transferred, nothing was mentioned regarding loss of seniority by reason of the inter-district transfer. He contends that his seniority position was correctly reflected in the provisional seniority list of Lower Division Clerks. But when it came to the final seniority list of Upper Division Clerks, published on 2.2.1988, his seniority was not correctly reflected, therein, according to the petitioner. Petitioner did not file any objections to the same. Apparently, more than 4 years thereafter, he filed Ext.P1 objections before the Government stated to be under Rule 27B of Part II of KS&SSR seeking a revision of final seniority list as regards Upper Division

Clerks and for promotion on the said basis. After Ext.P1, he apparently, sent a reminder about 4 years thereafter vide Ext.P2 dated 1.2.2007. According to the petitioner, he approached this Court essentially challenging the seniority list of Upper Division Clerks in the Employment Service Department finalized as per Order dated 2.2.1998.

2. In my opinion, the claim made by the petitioner is highly belated. There was nothing which stood in the way of the petitioner to take appropriate steps in relation to the final seniority list published in February 1998. It is trite that a highly belated challenge to a final seniority list will not normally be entertained. In the instant case, in Ext.P1 representation filed by the petitioner, he admits that the final seniority list was published in February 1998. He even refers to Ext.P4 judgment dated 23.11.1999, in which this Court had accepted the challenge with regard to some persons in the Employment Service Department as regards the revision of the seniority list of Lower Division Clerks. According to the petitioner, final seniority list of Upper Division Clerks became operative at least after Ext.P4 judgment dated 23.11.1999. If that be so, there is

absolutely no explanation for the petitioner, not to have approached even the the Government or any authority, till 2003 as per Ext.P4.

3. It will be an injustice to several other persons working in the same department if the petitioner is permitted to agitate his claim of seniority at this distance of time. In my opinion, the claim made by the petitioner is untenable and misconceived. The writ petition is dismissed.

V.GIRI, JUDGE

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